



1 UNITED STATES BANKRUPTCY COURT  
2 DISTRICT OF NEW JERSEY

3 RAYMOND & RAYMOND  
4 ATTORNEYS AT LAW  
5 7 GLENWOOD AVENUE, 4<sup>TH</sup> FLOOR  
6 EAST ORANGE, NEW JERSEY 07017  
7 TELEPHONE (973) 675-5622  
8 TELEFAX (408) 519-6711  
Email: [herbertraymond@gmail.com](mailto:herbertraymond@gmail.com)  
HERBERT B. RAYMOND, ESQ.  
JEFFREY M. RAYMOND, ESQ.  
KEVIN DELYON, ESQ.  
ATTORNEYS FOR THE DEBTOR(S)

Order Filed on January 22, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

9 In Re:

10 CARL A. POWELL, SR.  
11 MICHELLE A. FINNEY-POWELL,  
DEBTOR(S)

Case No.: 18-28018 VFP

Adv. No.:

Hearing Date: N/A

Judge: VINCENT F. PAPALIA

14 ORDER AUTHORIZING LOAN  
15 MODIFICATION AND FOR OTHER RELIEF

16 The relief set forth on the following pages, two (2) through four (4) is  
17 hereby ORDERED:

20 DATED: January 22, 2020

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".  
Honorable Vincent F. Papalia  
United States Bankruptcy Judge

1 Page 2

2 Debtors: Carl A. Powell, Sr.

3 Michelle A. Finney-Powell, Debtor(s)

4 Case no.: 18-28018 VFP

5 Caption of order: Order Authorizing Loan Modification and for  
6 Other Relief

7

---

8 1. That the Debtors be and is hereby authorized to enter  
9 into and consummate a loan modification with Select Portfolio  
10 Servicing, Inc. ('Select'), pursuant to the terms and conditions  
11 of the proposed loan modification agreement, entitled 'Lien  
12 Modification Agreement', filed as an Exhibit in support of this  
13 motion, relating to real property located at 715-717 Watchung  
14 Avenue, Plainfield, New Jersey 07060 and the loan modification  
15 be and is hereby approved.

16 2. That the Debtors and/or Select, be and are authorized to  
17 enter and consummate any transaction necessary and incident to  
18 the loan modification relating to this property, the sole  
19 exception being the transfer of the property or an interest in  
20 the property by the Debtor(s) to someone else.

21 a. Limited automatic stay relief is granted, to allow  
22 Select, to negotiate any such agreement with the Debtors or  
23 counsel, enter into and sign a loan modification agreement, and  
24 record any documents with the appropriate county recorders  
25 office without such action being considered a violation of the  
26 automatic stay.

27 3. That the Debtors and/or Select, are authorized to  
28 negotiate and prepare the terms or documents relating to a

1 Page 3

2 Debtors: Carl A. Powell, Sr.

3 Michelle A. Finney-Powell, Debtor(s)

4 Case no.: 18-28018 VFP

5 Caption of order: Order Authorizing Loan Modification and for  
6 Other Relief

7

---

8 loan modification, or any necessary transaction incident to a  
9 loan modification agreement, such as, but not limited to the  
10 circumstances described above, with respect to this property and  
11 any such negotiation and/or preparation of documents and/or  
12 recording of documents, by the parties shall not be considered to  
13 be a violation of the automatic stay and are specifically  
14 authorized by the Court.

15 4. That any communication by the parties relating to the  
16 loan modification shall be considered to be negotiations,  
17 pursuant to the Rules of Evidence, and shall not be used by  
18 either party against the other in the context of any subsequent  
19 litigation in this Court or any state court, federal court or  
20 non-judicial forum.

21 5. That nothing in this order shall be construed as a  
22 modification of the plan.

23 6. That the mortgage company and/or mortgage servicer may  
24 not persuade the Debtor(s) to dismiss this case in order to  
25 consummate a loan modification.

26 7. That because the mortgage is being modified and the  
27 arrears, whether pre-petition, post-petition or because of a  
28 post-petition delinquency caused by the reduced loss mitigation

1 Page 4

2 Debtors: Carl A. Powell, Sr.

3 Michelle A. Finney-Powell, Debtor(s)

4 Case no.: 18-28018 VFP

5 Caption of order: Order Authorizing Loan Modification and for  
6 Other Relief

7

---

8 payment, are being addressed in the new mortgage, the pre-  
9 petition arrearage claim<sup>2</sup>, which is claim number thirteen (13) on  
10 the claims register, filed by Select, or its predecessors,  
11 assignees or successor(s) in interest, shall not be paid and the  
12 Trustee shall not make any payments/disbursements on any pre-  
13 petition arrearage claim or any other delinquent sums due. If  
14 the modification is not consummated for any reason, Select,  
15 may, at any time during the pendency of this case, re-list the  
16 matter for further hearing, otherwise, this order shall be  
17 deemed final.

18

19

20

21

22

23

24

25

26

27

---

28 <sup>2</sup> And any other arrearage for a reason noted or otherwise.

**Certificate of Notice Page 5 of 5**  
**United States Bankruptcy Court**  
**District of New Jersey**

In re:  
 Carl A Powell, Sr  
 Michelle A. Finney-Powell  
 Debtors

Case No. 18-28018-VFP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf903

Page 1 of 1  
 Total Noticed: 1

Date Rcvd: Jan 22, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 24, 2020.

db/jdb +Carl A Powell, Sr, Michelle A. Finney-Powell, 717 Watchung Avenue,  
 Plainfield, NJ 07060-2696

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 24, 2020

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 22, 2020 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor The Bank of New York Mellon, successor trustee to JPMorgan JPM Chase Bank, N.A., as Trustee, on behalf of the registered holders of Structured Asset Mortgage Investments II Trust 2005-AR7, Mortgage Pa dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com  
 Herbert B. Raymond on behalf of Debtor Carl A Powell, Sr herbertraymond@gmail.com, raymondmail@comcast.net;bankruptcyattorneys@comcast.net;herbertraymond@gmail.com;carbonell\_c@hotmail.com;kdeylon.raymond@gmail.com;herbertraymond5967@yahoo.com;raymondlaw5622@gmail.com;courtemail789@gmail.com  
 Herbert B. Raymond on behalf of Joint Debtor Michelle A. Finney-Powell herbertraymond@gmail.com, raymondmail@comcast.net;bankruptcyattorneys@comcast.net;herbertraymond@gmail.com;carbonell\_c@hotmail.com;kdeylon.raymond@gmail.com;herbertraymond5967@yahoo.com;raymondlaw5622@gmail.com;courtemail789@gmail.com  
 Jill Manzo on behalf of Creditor FAY SERVICING, LLC, as servicer for U.S. ROF III LEGAL TITLE TRUST 2015-1, BY U.S. BANK NATIONAL ASSOCIATION, AS LEGAL TITLE TRUSTEE bankruptcy@feinsuch.com  
 Kevin Gordon McDonald on behalf of Creditor U.S. ROF III LEGAL TITLE TRUST 2015-1, BY U.S. BANK NATIONAL ASSOCIATION, AS LEGAL TITLE TRUSTEE kmcdonald@kmllawgroup.com, bkgroup@kmllawgroup.com  
 Kevin Gordon McDonald on behalf of Creditor The Bank of New York Mellon, successor trustee to JPMorgan JPM Chase Bank, N.A., as Trustee, on behalf of the registered holders of Structured Asset Mortgage Investments II Trust 2005-AR7, Mortgage Pa kmcdonald@kmllawgroup.com, bkgroup@kmllawgroup.com  
 Laura M. Egerman on behalf of Creditor U.S. ROF III LEGAL TITLE TRUST 2015-1, BY U.S. BANK NATIONAL ASSOCIATION, AS LEGAL TITLE TRUSTEE bkyecf@rasflaw.com, bkyecf@rasnj.com  
 Marie-Ann Greenberg magecf@magtrustee.com  
 U.S. Trustee USTPRRegion03.NE.ECF@usdoj.gov

TOTAL: 9